

# 10.001 Policy.

(a) Agencies *shall*—

(1) Ensure that legitimate needs are identified and trade-offs evaluated to acquire items that meet those needs;

(2) Conduct *market research* appropriate to the circumstances—

(i) Before developing new requirements documents for an *acquisition* by that agency;

(ii) Before soliciting *offers* for *acquisitions* with an estimated value in excess of the *simplified acquisition threshold*;

(iii) Before soliciting *offers* for *acquisitions* with an estimated value less than the *simplified acquisition threshold* when adequate information is not available and the circumstances justify its cost;

(iv) Before soliciting *offers* for *acquisitions* that could lead to consolidation or *bundling* ([15 U.S.C.644\(e\)\(2\)\(A\)](#)) and [15 U.S.C. 657q](#));

(v) Before awarding a task or *delivery order* under an indefinite-delivery/indefinite-quantity (ID/IQ) contract (*e.g.*, GWACs, MACs) for other than a *commercial product* or *commercial service* in excess of the *simplified acquisition threshold* ([10 U. S.C. 2377\(c\)](#)); and

(vi) On an ongoing basis, take advantage (to the maximum extent practicable) of commercially available *market research* methods in order to effectively identify the capabilities of small businesses and new entrants into Federal *contracting* that are available in the marketplace for meeting the requirements of the agency in furtherance of-

(A) A *contingency operation* or defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; and

(B) Disaster relief to include debris removal, distribution of *supplies*, reconstruction, and other disaster or *emergency* relief activities (See [26.205](#)); and

(3) Use the results of *market research* to-

(i) Determine if sources capable of satisfying the agency's requirements exist;

(ii) Determine if *commercial products* or *commercial services*, or, to the extent *commercial products* suitable to meet the agency's needs are not available, *nondevelopmental items* are available that-

(A) Meet the agency's requirements;

(B) Could be modified to meet the agency's requirements; or

(C) Could meet the agency's requirements if those requirements were modified to a reasonable extent;

(iii) Determine the extent to which *commercial products*, or *nondevelopmental items* could

be incorporated at the *component* level;

(iv) Determine the practices of firms engaged in producing, distributing, and supporting *commercial products* or *commercial services*, such as type of contract, terms for *warranties*, buyer financing, maintenance and packaging, and marking;

(v) Ensure maximum practicable use of *recovered materials* (see [subpart 23.4](#)) and promote energy conservation and efficiency;

(vi) Determine whether consolidation is necessary and justified (see [7.107-2](#)) ([15 U.S.C. 657q](#));

(vii) Determine whether *bundling* is necessary and justified (see [7.107-3](#)) ([15 U.S.C. 644\(e\)\(2\)\(A\)](#));

(viii) Determine whether the *acquisition should* utilize any of the small business programs in accordance with [part 19](#); and

(ix) Assess the availability of *supplies* or services that meet all or part of the applicable information and communication technology accessibility standards at [36 CFR 1194.1](#) (see [subpart 39.2](#)).

(b) When conducting *market research*, agencies *should* not request potential sources to submit more than the minimum information necessary.

(c) If an agency contemplates consolidation or *bundling*, the agency—

(1) When performing *market research*, *should* consult with the agency small business specialist and the local Small Business Administration *procurement* center representative (PCR). If a PCR is not assigned, see [19.402\(a\)](#); and

(2) *Shall* notify any affected incumbent *small business concerns* of the Government's intention to bundle the requirement and how *small business concerns may* contact the appropriate Small Business Administration *procurement* center representative (see [7.107-5\(a\)](#)).

(d) See [10.003](#) for the requirement for a prime contractor to perform *market research* in contracts in excess of \$6 million, other than contracts for the *acquisition* of *commercial products* or *commercial services* (section 826 of Pub. L. 110-181).

**Parent topic:** [Part 10 - Market Research](#)